

Testimony before the State Board of Education
September 20, 2006

The Middlesex County Freeholders Plan to Build 2 New Separate Schools
And Disconnect Between County and State Educational Policy

My name is Paula Lieb and I am the president of the New Jersey Coalition for Inclusive Education, an organization of professionals, parents and administrators whose mission is to develop inclusive public schools where children with disabilities can succeed with their nondisabled peers.

First, we applaud the development of the Department of Education's State Performance Plan approved in March, which has the goal of returning 4000 students to their home districts from out-of-district separate schools by 2010. The Plan is a strong step in addressing the alarming statistics which indicate New Jersey districts send students with disabilities to separate schools at three times the national average, when reliance on this type of segregation has been rejected by both research and federal law.¹

But, I am here to express our concern that the county freeholders in partnership with county educational entities, i.e., the Educational Services Commissions, Jointure Commissions and County Special Services Districts, are moving in the opposite direction of the state special education policy and the initiative to bring students back.² It is our understanding from court decisions and federal mandates that the State Board of Education is ultimately in charge of the education of children with disabilities in the State.³ Yet, the Middlesex County Freeholders, in partnership with the Middlesex Regional Educational Services Commission (MRESC), are in the process of approving a \$40 million bond to build two new separate schools in Middlesex County, one new school in Sayreville for 175 students with disabilities ages 3 to 21 and the rebuilding of the NuVu school in Piscataway to up its capacity from 40 to 60 students with disabilities. The Middlesex County Improvement Commission approved it and the Freeholders,

¹ Even by bringing 4000 students back in the next 4 years, and not sending any more students out, will New Jersey only reach the national average.

² The statute establishing the Jointure Commissions may be found at N.J.S.A. 18A:46-25 et seq., those establishing the County Special Services School Districts at N.J.S.A. 18A:46-29 et seq., and the statutes establishing the County Regional Educational Services Commissions at N.J.S.A. 18: 6-54 et seq.

³ See, Impey v. Bd of Educ. of Shrewsbury, 142 N.J. 388, 392 (1995); N.J.S.A. 18A:46-14(c).

although there is still a public hearing tomorrow, indicated at their regular meeting on September 7 that they support the building of the schools.

The MRESC is not alone in the building of new separate schools. Within the last two years, we know of at least two other separate, county funded schools which have opened—one in Gloucester and one in Mercer. There may be more, but, it is very difficult to figure that out because, as far as we can determine, the Department of Education does not keep a list of the county funded separate schools now in existence or which are being contemplated by the counties. Consequently, to say that there is a lack of coordination between the actions of the state and county policy is an understatement. The State Department of Education seems barely aware of future plans or actions being taken which will undercut its own initiatives.

We understand that the County Freeholders and state legislators are supporting the building of new separate schools with the best of intentions and doing what the legislation which created the County educational entities, i.e., the Educational Services Commissions, Jointure Commissions and County Special Services Districts, in the late 1960s and early 1970s allowed those to do. But, these statutes are outdated and do not reflect 30 years of educational research which strongly discourages reliance on separate schools.

This also begs the question of the relationship between the State Department of Education and the County offices of education. How well informed are the county educational leaders, i.e., the County Superintendents and Superintendents of the Educational Services Commissions, Jointure Commissions and County Special Services Districts, about the volumes of research discouraging reliance on separate classrooms. What is their state role in disseminating information about changes in state policy and the state trend to move away from sending children with disabilities to out-of-district separate schools? We note, for example, that a brand new separate elementary school was opened in September 2005 by the Mercer County Special Services District which has empty classrooms because of a 200 drop in student enrollment by districts which decided to educate their students within their districts rather than send them to this new, separate elementary school. In consideration of this and the recently passed State Performance Plan, shouldn't we expect county educational leaders to have encouraged the Middlesex County Freeholders to move in a new direction with their \$40 million bond, such as supporting in-district initiatives in Middlesex districts to keep students with disabilities in their home schools rather creating 195 new spaces for students to fill? This disconnect needs to be addressed and mutual responsibilities for sharing information made clear.

We think that you will agree that the responsibility of the State Board of Education is to promote sound educational and economic policy, which means assessing what is going on in the counties and making changes to reassert coordination so that we can move forward, not backward. Although not every child may be able to be educated within their district, the vast majority can. There is more than enough out-of-district capacity.

We make the following suggestions to address the situation:

1) Create a single data base to track the county entities (i.e., county educational services commissions, county special services school districts and the jointure commissions) the county separate schools now in existence and any separate schools being contemplated by these entities. Designate a department to be in charge of tracking this information.

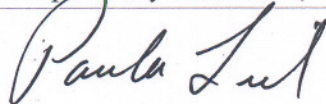
2) Research the disconnects between the state and county educational systems, beginning with a review of the statutes governing the relationship between the State Board of Education and the county educational entities. Through changes in the statutes, make the role of the county entities vis-à-vis the State Board, clear. Update the breadth of the activities which the county entities can pursue, placing these in line with sound educational practice which rejects reliance on out-of-district placements. For example, make changes in the statutes and regulations which allow the County Freeholders to support projects in local districts which seek to keep students with disabilities within their home schools.

3) Clarify the responsibility of the County Superintendents and superintendents of the county entities in implementing state and federal special education policies as expressed in federally required documents such as the State Performance Plan. Also, specify steps to ensure ongoing communication among the Office of Special Education, the County Superintendents, the superintendents of the county entities, and the County Freeholders.

4) We caution that any project to move the county entities away from a focus of building separate schools and providing segregated education, to becoming regional hubs where services are sent into districts, will require retraining of the staffs in the separate county supported schools. In Maryland which is facing challenges similar to New Jersey's and has a coordinated State/County project to move students from out-of-district back to their home schools, the staff in the separate schools have been one of the biggest barriers to change. People who have taught only students with disabilities in self-contained classrooms in separate buildings do not automatically have the expertise in the general education curriculum or inclusive practices to train others to modify curriculum and support students with disabilities in general education settings.

Consequently, we suggest that one of the first efforts should be to retrain these individuals so that they become a resource for including students in general education classrooms, rather than an additional barrier to change.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paula Lieb", written in a cursive style.

Paula S. Lieb, Esq.
President & CEO